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Letter dated 19 April 2012 from the Secretary-General addressed to the President of the Security Council

Further to paragraph 5 of Security Council resolution 2042 (2012), and to the briefing of the Joint Special Envoy of the United Nations and the League of Arab States, Mr. Kofi Annan, to the Security Council on 12 April 2012, I wish to outline a proposal for a United Nations supervision mission in the Syrian Arab Republic (UNSMIS) for an initial period of three months. I recommend that the Council authorize such a mission, with the understanding that I will consider relevant developments on the ground, including the consolidation of the cessation of the violence, in deciding on deployments.

Background

The protracted crisis in the Syrian Arab Republic over the past 13 months has seen many thousands killed, injured, detained or displaced. The violence has been characterized by the use of heavy weapons in civilian areas and widespread violations of human rights, while aspirations for political change in the country have not been met. I remain deeply concerned about the gravity of the situation in the country. However, while the serious challenges ahead cannot be underestimated, an opportunity for progress may now exist, on which we need to build.

On 25 March 2012, the Government of the Syrian Arab Republic committed itself to an initial six-point plan proposed by the Joint Special Envoy, which has the full support of the Security Council. This plan includes provisions for immediate steps by the Syrian Government, and a cessation of armed violence in all its forms by all parties to protect civilians and stabilize the country. To this end, it requires the Syrian Government immediately to cease troop movements towards, and end the use of heavy weapons in, population centres and to begin the pull-back of military concentrations in and around population centres.

It also requires a range of other steps by the Syrian Government to alleviate the crisis, including humanitarian access, access to and release of detainees, access and freedom of movement for journalists, and freedom of association and the right to demonstrate peacefully.

The plan embodies the need for an inclusive Syrian-led political process to address the legitimate aspirations and concerns of the Syrian people.

On 11 April 2012, the Government of the Syrian Arab Republic stated that it would cease all military operations throughout the entire country, and similar commitments were obtained from the armed opposition. Accordingly, for the first

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time in more than one year, a cessation of violence was declared and went into effect across the Syrian Arab Republic at 6 a.m. on 12 April 2012. This was an important step by all parties in de-escalating the situation. It now must be effectively sustained.

The engagement of many States with influence on the parties was and remains critical to furthering this process. The Security Council has spoken with one voice through its presidential statements of 3 August 2011, 21 March and 5 April 2012 and resolution 2042 (2012) of 14 April 2012. The continued unity of the Council is also of critical importance in seeking a pacific settlement of the crisis.

Developments since 12 April 2012

Given the lack of presence on the ground other than the first members of the advance team who arrived three days ago, it remains a challenge to assess accurately unconfirmed and conflicting reports of developments in the Syrian Arab Republic. Nevertheless, it appears that levels of violence dropped markedly on 12 April 2012 and the following days, with a concomitant decrease in reports of casualties. However, the Syrian Government has yet to fully implement its initial obligations regarding the actions and deployments of its troops and heavy weapons, or to return them to barracks. Violent incidents and reports of casualties have escalated again in recent days, with reports of shelling of civilian areas and abuses by government forces. The Government reports violent actions by armed groups. The cessation of armed violence in all its forms is therefore clearly incomplete. At the same time, in accordance with their acceptance of the six-point plan, the parties have continued to express their commitment to a cessation of armed violence in all its forms and have agreed to cooperate with a United Nations supervision mechanism to observe and strengthen both sides' commitment to a cessation.

The advance team of up to 30 unarmed military observers authorized by the Security Council in paragraph 7 of resolution 2042 (2012) began to deploy on 16 April 2012. It has commenced liaison with the parties and is beginning to report on the cessation of armed violence in all its forms by all parties. This team is led by a Colonel and will be swiftly augmented by the necessary mission support personnel, including ordnance experts and United Nations security officers.

The team visited Deraa on 17 April 2012. During its two- to three-hour presence in the city, it enjoyed freedom of movement. It observed no armed violence or heavy weapons in the city. It observed no major military concentrations, but several points were occupied at section level, and buses and trucks with soldiers were dispersed throughout the city. The team visited Jobar, Zamalka and Arbeen in Rif Damascus today. It reported military presence at checkpoints and around some public squares and buildings in all three locations. In Arbeen, one armoured personnel carrier was hidden, covered by a plastic sheet. The situation in Arbeen became tense when a crowd that was part of an opposition demonstration forced United Nations vehicles to a checkpoint. Subsequently, the crowd was dispersed by the firing of projectiles. Those responsible for the firing could not be ascertained by the United Nations military observers. No injuries were observed by the United Nations advance team. One United Nations vehicle was damaged slightly during the incident. The team expects to visit Rif Daraa tomorrow. The team's initial request to visit Homs was not granted, officials claiming security concerns.

Action on other aspects of the six-point plan remains partial and, while difficult to assess, does not yet amount to the clear signal expected from the Syrian authorities. Regarding the right to protest peacefully, it is known that numerous demonstrations were organized on 13 April 2012 after Friday prayers, one day after the date of the cessation of violence. Reports issued by local opposition groups suggest that these were met with a more restrained response than in previous incidents of protest, but there were nevertheless attempts to intimidate protesters, including reports of incidents of rifle fire by government troops. With regard to detainees, on 5 April 2012 the International Committee of the Red Cross announced that it had agreed with the Syrian Government on procedures for visits to places of detention and that this would be put into practice with a visit to Aleppo prison. However, the status and circumstances of thousands of detainees across the country remain unclear and there continue to be troubling reports of significant abuses. There has been no significant release of detainees. On 12 April 2012 the Syrian Government said entry visas were granted to "53 Arab and foreign journalists" between 25 March and 12 April 2012. We have no further information on this. All journalists must have full freedom of movement throughout the country.

Meanwhile, on the issue of humanitarian access, while the United Nations and the Organization of Islamic Cooperation needs assessment report identified 1 million people in need of humanitarian assistance in the Syrian Arab Republic, no substantive progress has been achieved over the past weeks of negotiations on access to those in need, or in increasing the capacity of organizations on the ground.

Developments since 12 April 2012 underline the importance of sending a clear message to the authorities that a cessation of armed violence must be respected in full, and that action is needed on all aspects of the six-point plan. Actions on the ground must be consistent with stated commitments to carry out the six-point plan. At the same time, the very fragility of the situation underlines the importance of putting in place arrangements that can allow impartial supervision and monitoring. A United Nations monitoring mission deployed quickly when the conditions are conducive with a clear mandate, the requisite capacities, and the appropriate conditions of operation would greatly contribute to observing and upholding the commitment of the parties to a cessation of armed violence in all its forms and to supporting the implementation of the six-point plan.

Proposed mission

An expanded mission, UNSMIS, would comprise an initial deployment of up to 300 United Nations military observers. They would be deployed incrementally over a period of weeks, in approximately 10 locations throughout the Syrian Arab Republic. It would be a nimble presence that would constantly and rapidly observe, establish and assess the facts and conditions on the ground in an objective manner, and engage all relevant parties. It would be headed by a Chief Military Observer at the rank of Major General. UNSMIS would in addition comprise substantive and mission support personnel with a range of skills, including advisers with political, human rights, civil affairs, public information, public security, gender and other expertise. These elements would be essential to ensure comprehensive monitoring of and support to the parties for the full implementation of the six-point plan. Given the size of the country and the challenges on the ground, the mission would need to maximize the effectiveness of its supervision and observation responsibilities with

effective informational awareness and information management so that it uses its resources effectively. UNSMIS would be funded through the peacekeeping account.

Pursuant to paragraph 5 of resolution 2042 (2012), UNSMIS should monitor a cessation of armed violence in all its forms by all parties and relevant aspects of the Joint Special Envoy's six-point proposal. Regarding a cessation of armed violence, it should be noted that the Syrian Government's full implementation of and adherence to its obligations to cease troop movements towards population centres, cease all use of heavy weapons in population centres, and begin the pull-back of military concentrations in and around population centres are critical, and that the withdrawal of all troops and heavy weapons from population centres to their barracks is important to facilitate a sustained cessation of violence. Equally, all parties, including both the Government and the opposition, must sustain a cessation of armed violence in all its forms. These will be the areas of monitoring by the military observers, who, in the course of their duties to supervise the cessation of violence, will pay due regard to other aspects of the six-point plan.

It should also be noted that human rights abuses have characterized much of the fighting over the past 13 months, and that any cessation of armed violence must necessarily encompass a cessation of such abuses, including torture, arbitrary detentions, abductions, sexual violence and other abuses against women, children and minorities. The free movement of journalists throughout the country and the respect of freedom of association and the right of Syrians to demonstrate peacefully as legally guaranteed will also be critical. The release of persons arbitrarily detained is a key commitment of the Government under the six-point plan that would provide a significant signal of the serious intent of the Government effectively to implement the plan in its entirety and create the conditions for a political solution through peaceful dialogue.

UNSMIS would not be involved in the delivery, coordination and monitoring of humanitarian assistance. The coordination of humanitarian assistance is the responsibility of the Emergency Relief Coordinator. It should be noted in this regard that all parties, particularly the Government of the Syrian Arab Republic, must allow immediate, full and unimpeded access of humanitarian personnel to all people in need and cooperate fully with the United Nations and relevant humanitarian organizations to facilitate the swift provision of humanitarian assistance.

A supervision mission that has the capacity, through military observers and civilian personnel, to monitor and support a cessation of violence in all its forms and the implementation of the remaining aspects of the six-point plan could help to create the conditions for a comprehensive political dialogue between the Government of the Syrian Arab Republic and the whole spectrum of the Syrian opposition. Such a supervision mission would be important to sustain peace and a meaningful political process in the country. This would provide important support for the Joint Special Envoy's efforts to facilitate a Syrian-led political transition that meets the legitimate aspirations of the Syrian people and brings about a political solution to the crisis in the Syrian Arab Republic.

In committing itself to the six-point plan, the Government of the Syrian Arab Republic has indicated its consent to an effective United Nations supervision mechanism. As at 18 April 2012, discussions with the Syrian Government on preliminary understandings to provide the basis for a protocol governing the deployment of the advance team and of a United Nations supervision mission have

made progress and are continuing. Other parties to the conflict have indicated their readiness to work with a mission. It is essential in this regard that the actions of the Government in particular are in full conformity with its commitment and with the fundamental principles necessary to enable an effective mission as embodied in resolution 2042 (2012). As called for by resolution 2042 (2012), it is incumbent upon the Government of the Syrian Arab Republic to facilitate the expeditious and unhindered deployment of the personnel and capabilities of the mission as required to fulfil its mandate; to ensure its full, unimpeded, and immediate freedom of movement and access as necessary to fulfil its mandate; allow it unobstructed communications; and allow it to freely and privately communicate with individuals throughout the country without retaliation against any person as a result of interaction with the mission. The Syrian authorities have the primary responsibility for the safety of the mission, which should be guaranteed by all parties without prejudice to its freedom of movement and access. This freedom of movement will need to be supported by appropriate air transport assets to ensure mobility and capacity to react quickly to reported incidents. Consultations have taken place to explain these principles to the Syrian Government, including fundamental principles of United Nations peacekeeping regarding selection of personnel.

I will seek to conclude with the Government of the Syrian Arab Republic an agreement concerning the status of UNSMIS within 30 days of the adoption of the resolution establishing UNSMIS, taking into consideration General Assembly resolution 58/82 on the scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel. In accordance with the customary practice of the United Nations, pending the conclusion of such an agreement, the model status-of-forces agreement dated 9 October 1990 (A/45/594) shall apply provisionally.

Member States, in particular the neighbouring States, should assist the advance team and UNSMIS by ensuring the free, unhindered and expeditious movement to and from the Syrian Arab Republic of all personnel, as well as equipment, provisions, supplies and other goods, including vehicles and spare parts.

The mandate and operational posture of the mission proposed herein, including its deployment and structure, would establish an effective observer mission, with the configuration and functions described above. I would intend to further develop and define the mission's mandate, scope and methods of work based on the initial deployment, the evolution of conditions on the ground, and engagements with all relevant parties. Proposals in this regard would be contained in a report to the Security Council as soon as practicable but not more than 90 days after the establishment of UNSMIS.

I should be grateful if you could bring this letter urgently to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon